

Regular Session, February 20, 2012, 7:00 p.m.  
Catawba County Board of Commissioners

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The Catawba County Board of Commissioners met in regular session on Monday, February 20, 2012 at 7:00 p.m. in the Robert E. Hibbitts Meeting Room of the 1924 Courthouse, 30 North College Avenue, Newton, North Carolina.

Present were Chair Katherine W. Barnes, Vice-Chair Lynn M. Lail and Commissioners Dan A. Hunsucker, Barbara G. Beatty and Randy Isenhower.

Also present were County Manager J. Thomas Lundy, Assistant County Manager Dewey Harris, County Attorney Debra Bechtel and County Clerk Barbara Morris.

1. Chair Katherine W. Barnes called the meeting to order at 7:00 p.m.
2. Members of Boy Scout Troop 250 from St. Luke's United Methodist Church led the Pledge of Allegiance to the Flag.
3. Vice-Chair Lynn M. Lail offered the invocation.

4. Commissioner Dan A. Hunsucker made a motion to approve the minutes from the Board's Regular Meeting and Closed Session of January 27, 2012. The motion carried unanimously.
5. Recognition of Special Guests: Chair Barnes welcomed everyone present..
6. Public Comments for Items Not on the Agenda: None.
7. Public Hearings: Prior to starting the first public hearing, Chair Barnes explained zoning issues and the public hearing process to the Boy Scouts.

A. Planner Chris Timberlake presented a request for the Board to hold a public hearing and consider a request to rezone two parcels totaling 1.91 acres, at 9187 and 9195 Sherrills Ford Road in the Sherrills Ford Small Area Planning District, from RC-Rural Commercial and R-20 Residential to HC Highway Commercial district. One parcel was zoned RC-Rural Commercial and is vacant. The second parcel was zoned R-20 Residential & occupied by a single family home. A parcel to the north is zoned R-20 Residential and occupied by a single family home. Single parcels to the south and west are zoned R-20 Residential and vacant. One of two parcels to the east is zoned R-20 Residential and is vacant. Approximately 2.5 acres of this parcel is the proposed location of the future Sherrills Ford Branch Library. The other parcel is zoned R-20 Residential and occupied by a single family home.

Generally, the RC Rural Commercial district provides small areas for offices, services, and retail uses, all designed in scale with surrounding residential uses. The district regulations are designed to protect and encourage the transitional character of the district by permitting uses and building forms that are compatible with the rural area of the county. The R-20 Residential District is considered a medium-density residential and agricultural district. Permitted uses in the R-20 Residential District consist predominately of site-built homes and agricultural uses.

Section 44-418 of the Catawba County Unified Development Ordinance (UDO), HC Highway Commercial District, states, "...this district provides areas for regional highway-oriented business, office, services and civic uses. The district regulations are designed to protect and encourage the transitional character of the districts by permitting uses and building forms that are compatible with the surrounding area".

The properties proposed for rezoning total 1.91 acres in size. The minimum lot size requirement for the HC district is 40,000 square feet. Because Parcel 1 is currently 39,145 square feet, if the rezoning is approved, a portion of property from Parcel 2 will be combined with Parcel 1. The proposed recombination would provide Parcel 1 with 40,813 square feet and parcel 2 with 41,629 square feet (excluding property within the right-of-way). The requested HC Highway Commercial District permits a maximum floor area ratio of 1:3, meaning that each square foot of building floor space requires three square feet of land area. The allowed floor area for Parcel 1 would be 13,604 square feet. The allowed floor area for Parcel 2 would be 13,876 square feet. The allowable square footage of a building on Parcel 1 as it exists today is 7,927 square feet. Both properties are outside of the Mixed Use Corridor-Overlay district but within the WS-IV Watershed Critical Area, which provides that the maximum built upon area for each property be 24% when development exceeds one acre.

Public water is available to both properties. Parcel 2 is currently served by a private well. Public sewer is not currently available. Sherrills Ford Road is categorized as a minor collector road according to the Thoroughfare Plan for Catawba County. According to the 2009 Annual Average Daily Traffic Map (most recent data available), the average daily traffic count on Sherrills Ford Road in the proximity of the properties was 5,400 vehicles per day. The Thoroughfare Plan states that the existing conditions of Sherrills Ford Road should provide for a daily vehicle capacity of 13,800. The plan also recommends minor widening of lane widths when funding is available.

The Sherrills Ford Small Area Plan serves as the current land use plan for this area. The subject property is in an area for Village-Mixed Use. The idea of the "village" would include a mixture of commercial, office, and mixed-residential uses. Because of the nature of the request, staff considers it reasonable and consistent with the Sherrills Ford Small Area Plan. Staff recommended the Planning Board approve a favorable recommendation to the Board of Commissioners to rezone parcel 1 from RC Rural Commercial to HC Highway Commercial and parcel 2 from R-20 Residential to HC Highway Commercial based upon finding the request to be consistent with the Sherrills Ford Small Area Plan, the existing zoning designation of Parcel 1, and the existing commercial zoning designation of other parcels located in the proximity of the Sherrills Ford Road and Highway 150 intersection. The Planning Board held a public hearing on December 12, 2011. No one spoke in favor of or against the request. The Planning Board voted, 6-0, to submit a favorable recommendation to the Board of Commissioners to rezone Parcel 1 from RC Rural Commercial to HC Highway Commercial and Parcel 2 from R-20 Residential to HC Highway Commercial, based on the reasons set forth in the staff's recommendation.

Chair Barnes opened the public hearing, noting that it had been duly advertised. No one came forward to speak during the public hearing and Chair Barnes closed the public hearing. In response to a question raised by Commissioner Hunsucker, Chris Timberlake indicated that he did not believe they would go much further to the north with RC zoning. Commissioner Barbara G. Beatty made a motion to adopt an amendment consistency statement and to approve the zoning amendment. The motion carried unanimously. The following consistency statement and ordinance apply:

**ZONING MAP AMENDMENT CONSISTENCY STATEMENT**

On January 17, 2012 the Catawba County Board of Commissioners conducted a public hearing for the purpose of considering a zoning map amendment to PINs 4617-09-15-3972 and 4617-09-15-4802 (Case #RZ2011-8).

Upon considering the matter, the Catawba County Board of Commissioners finds the item to be consistent with the Sherrills Ford Small Area Plan, based upon:

- 1) Finding the request to be consistent with the Sherrills Ford Small Area Plan;
- 2) The existing zoning designation of parcel 1; and
- 3) The existing commercial (RC and HC) zoning designation of other parcels located in the proximity of the Sherrills Ford Road and NC 150 Highway Intersection.

The Catawba County Board of Commissioners therefore approves the zoning map amendment. This approval was affirmed by a vote of \_5\_ - \_0\_ of the Catawba County Board of Commissioners.

**Ordinance No. 2012-\_\_\_\_\_**

**AMENDMENT TO THE CATAWBA COUNTY ZONING MAP**

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS**, that the Catawba County Official ZoningAtlas is hereby amended by rezoning the following described properties from RC Rural Commercial and R-20 Residential to HC Highway Commercial District.

Two parcels totaling 1.91 acres located at 9187 and 9195 Sherrills Ford Road in the Sherrills Ford Small Area Planning District, Mountain Creek Township, and further identified as Parcel Identification Numbers 4617-09-15-3972 and 4617-09-15-4802.

**PLAN CONSISTENCY STATEMENT:**

Pursuant to NCGS 153A-341, and upon consideration of the recommendations and guiding principles of the Sherrills Ford Small Area Plan, the Catawba County Board of Commissioners finds the rezoning request to be consistent with the Small Area Plan based upon:

- 1) Finding the request to be consistent with the Sherrills Ford Small Area Plan;
- 2) The existing zoning designation of parcel 1; and
- 3) The existing commercial (RC and HC) zoning designation of other parcels located in the proximity of the Sherrills Ford Road and NC 150 Highway Intersection.

This, the 20th day of February 2012.

B. Planner Chris Timberlake presented a request for the Board to hold a public hearing and consider a request to include one parcel totaling 11.97 acres, at 4645 Puddle Path in the Sherrills Ford Small Area Planning District, in the Doublewide Manufactured Home-Overlay (DWMH-O) district. The parcel was zoned R-40 Residential, occupied by a stick-built single-family home, and is not in the DWMH-O. Four parcels to the north are within the DWMH-O and zoned R-40 Residential, with one being used for agricultural purposes and three occupied with manufactured homes. Five parcels to the south are in the DWMH-O and zoned R-40 Residential, with one parcel vacant and the remaining four occupied with manufactured homes. One vacant parcel to the east is zoned R-40 Residential, is used for agricultural purposes, and is not in the DWMH-O. Two parcels to the west are zoned R-40 Residential and not in the DWMH-O. One has two manufactured homes and one is vacant.

Section 44-432 of the UDO, Doublewide Manufactured Home, states that the district is established to provide opportunities for the siting of affordable housing, implement small area plan policies regarding the location of manufactured homes and comply with general statute requirements. The DWMH-O allows the use of a doublewide manufactured home as a principal structure on a residential property by right. It also allows the use of a doublewide or singlewide manufactured home as an accessory dwelling if the occupant is a sibling or lineal family member of the principal structure's owner.

The property could be subdivided into approximately 13 lots because the minimum lot size in the R-40 Residential district is 40,000 square feet. Roads would be required to meet State standards and the subdivision would have to be approved by the County's Subdivision Review Board. If the roads were not improved, only two additional lots could be created as a Family Subdivision. The property is served by private well and septic. Public water is located approximately 3,000 feet northeast of the property. Puddle Path is a local residential road (unpaved) providing access to six parcels. There are no traffic counts available for Puddle Path and no proposed improvements for the road.

The Sherrills Ford Small Area Plan serves as the current land use plan for this area. It depicts the subject property in an area recommended for R-1 zoning which did not allow manufactured homes under the former zoning ordinance. Because of the nature of the request, staff considered this request to be reasonable but not consistent with the Sherrills Ford Small Area Plan. Staff recommended to the Planning Board that the 11.97 acre parcel be included in the Doublewide Manufactured Home-Overlay district based on consideration of the pattern of the existing zoning overlay district classification (DWMH-O) and the request being in harmony with surrounding land uses. The Planning Board held a public hearing on December 12, 2011. The applicant, Lisa Jones, stated the reason the applicants are requesting the rezoning is to allow them to put a manufactured home on their property for their parents. No one else spoke at the public hearing. The Planning Board voted, 6-0, to submit a favorable recommendation to the Board of Commissioners to include the 11.97 acres in the Doublewide Manufactured Home-Overlay District for the reasons cited by the Planning staff.

Chair Barnes opened the public hearing, noting it had been duly advertised. No one came forward to speak during the public hearing and Chair Barnes closed the hearing. Commissioner Randy Isenhowe made a motion to adopt a consistency statement which stated the rezoning was inconsistent with Map 8 of the Small Area Plan but was consistent with the pattern of the existing zoning overlay district classification and in harmony with surround land uses. The motion also included approval of the zoning amendment. The motion carried unanimously. The following consistency statement and ordinance apply:

#### **ZONING MAP AMENDMENT CONSISTENCY STATEMENT**

On January 17, 2012 the Catawba County Board of Commissioners conducted a public hearing for the purpose of considering a zoning map amendment to PIN 3678-02-67-4121 (Case #RZ2011-7).

Upon considering the matter, the Catawba County Board of Commissioners finds the item to be inconsistent with the Sherrills Ford Small Area Plan, but reasonable for consideration based upon:

1) Consideration of the pattern of the existing zoning overlay district classification (Doublewide Manufactured Home-Overlay) and the request being in harmony with surrounding land uses. The Catawba County Board of Commissioners therefore approves the Zoning Overlay Map amendment. This approval was affirmed by a vote of \_5\_ - \_0\_ of the Catawba County Board of Commissioners.

**Ordinance No. 2012-\_\_\_\_\_**  
**AMENDMENT TO THE CATAWBA COUNTY ZONING OVERLAY MAP**

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS**, that the Catawba County Official Zoning Overlay Atlas is hereby amended by including the following described property in the Doublewide Manufactured Home-Overlay District.

One parcel totaling 11.96 acres located at 4645 Puddle Path in the Sherrills Ford Small Area Planning District, Caldwell Township, and further identified as Parcel Identification Number 3678-02-67-4121.

**PLAN CONSISTENCY STATEMENT:**

Pursuant to NCGS 153A-341, and upon consideration of the recommendations and guiding principles of the Sherrills Ford Small Area Plan, the Catawba County Board of Commissioners finds the rezoning request to be inconsistent with the Small Area Plan, but reasonable for rezoning based upon:

1) Consideration of the pattern of the existing zoning overlay district classification (Doublewide Manufactured Home-Overlay) and the request being in harmony with surrounding land uses.

This, the 20th day of February 2012.

C. Director of Planning, Parks and Development Jacky Eubanks requested the Board hold a public hearing and consider amendments to the Unified Development Ordinance (UDO) Section 44-435 Rural Preservation Overlay (RP-O), 2) Section 44-518 Sidewalks, 3) Section 44-536 Parking standards, and 4) Section 44-607 Accessory structure. In support of the Board of Commissioners' goal of "insuring that County regulations support orderly growth and business development," staff is continuing the process of reviewing areas within the UDO which may justify consideration for modifications. The purpose of the UDO is to balance private property interests with the public good. Staff is taking a proactive approach by looking at regulations that do not achieve their original desired outcome. The four proposed text amendments address standards associated with residential and commercial development.

**Amendment #1 - Section 44-435 Rural Preservation Overlay (RP-O)-** transfers a portion of the Rural Preservation Overlay (100-foot setback) from old Highway 16 South to align with the new NC 16 Bypass. The purpose of the Rural Preservation Overlay is to protect the rural viewshed along major arterial roads without adversely impeding development. At the time of initial adoption of the UDO, there was knowledge that the Highway 16 realignment project was on the horizon, and the policy was adopted with the acknowledgement that it would require a future transfer to the new NC 16. The current and proposed overlay extends from the City of Newton's planning jurisdiction to Tower Road, then southward to the Catawba/Lincoln County line along Highway 16 South. This proposed change was identified as a strategy in the NC 16 South Corridor Development Plan adopted by the Board of Commissioners on August 15, 2011 and serves the purpose of protecting the rural viewshed along the new bypass. There is currently an established development corridor, comprising residential and commercial development, along the old Highway 16 South consistent with general setback standards. If the Rural Preservation Overlay is not transferred, it would create a situation where it is challenging to develop scattered vacant lots and cause inconsistent development patterns due to differences in set-back requirements from parcel to parcel. Relocating

the 100-foot setback regulation to the NC 16 Bypass, a limited access highway, helps to protect the scenic viewsheds and does not impede future residential and commercial development.

**Amendment #2 - Section 44-518 Sidewalks-** revises the regulation to delete the requirement for sidewalk installation or “fee in-lieu of” for (a) isolated non-residential properties (b) which are surrounded by established residential development and (c) that are not identified within a plan for pedestrian connectivity or “walkable” neighborhoods (such as the Lake Norman Regional Bicycle Plan, Carolina Thread Trail, and Parks Master Plan). Sidewalks, or a fee in-lieu of, are currently required for non-residential development along major collector or higher classified thoroughfares. In addition, sidewalks or a “fee in-lieu of” are required within major subdivisions of 25 or more lots in the R-20 or higher residential districts (R-15, R-10, R-7). This applies regardless of the ability or probability of connecting to existing or future sidewalks and planned pedestrian systems. Staff has had at least seven specific requests seeking relief from this requirement questioning the benefit of isolated sidewalk construction in established residential development and its associated cost. Sidewalks or “fee in-lieu of” would continue to be required within the Mixed Use Corridor-Overlay along Highway 150, Highway 16 North, Rock Barn Road., Springs Road, and Highway 127 and special districts (such as Planned Development, Village Center).

Based on four years of experience with this requirement, staff feels it is justifiable to provide some relief to developers where future connectivity has a low probability. This modification would not impede future long range planning initiatives calling for sidewalks, pedestrian access, or other opportunities for connectivity (such as to parks, schools, libraries, trail networks, etc.).

**Amendment #3 - Section 44-536 Parking standards-** permits parking in the front setback for non-residential development where one or more of the following limiting factors are present: severe topography, location of septic tank/repair areas, wells, other utilities, corner lot, irregular shaped lot, or the inability to achieve inner-connectivity.

Parking is allowed in the front, rear, and side yards as well as within the rear and side setbacks. A yard is defined as that area between the building line and the property line. A setback is the distance from the lot line to a point where a structure can be constructed. Parking is not allowed in the front setback. Staff has worked with at least nine owners of development projects who have requested relief from this provision in cases where site conditions or factors mentioned above limit the ability to place parking in the rear or side of the business.

Staff indicated that allowing parking to be placed in the front setback would provide greater use of the site. Aesthetics would still be achieved through the required installation of a 12-foot wide vegetated buffer between the parking facility and the street right-of-way.

**Amendment #4 - Section 44-607 Accessory structure-** allows a 20-foot side street setback for accessory structures on lots with frontage on more than one street, instead of the current 30-foot setback, based on a set of criteria. Accessory structures placed on lots with frontage on more than one street are required to meet a 30-foot front setback from each street right-of-way. There is currently no provision for a designated side street setback. Staff has had at least 20 inquiries from property owners requesting relief from the 30-foot requirement for setbacks on lots with frontage on more than one street.

The Planning Board held a public hearing on December 12, 2011, to consider the request. No one spoke in favor or in opposition to the proposed amendments. Staff stated that the Chamber of Commerce's Land Use Development Board was presented with the proposed amendments on November 16, 2011 and was supportive of them. The Planning Board voted 6-0 to submit a favorable recommendation to the Board of Commissioners to adopt the proposed amendments.

The amendment would provide property owners additional options in locating accessory structures on property with frontage on more than one street right-of-way.

Chair Barnes opened the public hearing, noting it had been duly advertised. No one came forward to speak during the public hearing. Chair Barnes noted that the proposed changes still maintained

the integrity of the Plan. After a question was raised by Commissioner Isenhower, the Board decided that setbacks for the primary structures on properties with frontage on more than one street right-of-way would be examined for possible amendment at a later date. Commissioner Hunsucker made a motion to approve the proposed amendments. The motion carried unanimously. The following ordinance applies:

**Ordinance No. 2012-04**

**BE IT ORDAINED** that the Catawba County Code of Ordinances, Unified Development Ordinance, is hereby amended to read as follows:

**Sec. 44-435. Rural Preservation Overlay (RP-O).**

(8) The setback provisions of this Section apply to both sides of the following roads:

- a. Startown Road (SR 1005) north of Settlemyre Bridge Road (SR1165) to the County's planning jurisdiction and south of NC Highway 10 to U.S. Hwy. 321;
- b. Sigmon Dairy Road (SR 2013);
- c. Rome Jones Road (SR 2012);
- d. Blackburn Bridge Road (SR 2021);
- e. Hickory-Lincolnton Hwy. (SR 1008) north of Blackburn Bridge Road (SR 2021) to NC Hwy. 10;
- f. Sherrills Ford Road (SR 1848) from its intersection with Murray's Mill Road (SR 1003) to Slanting Bridge Road (SR 1844);
- g. Island Point Road (SR 1838) from its intersection with Sherrills Ford Road (SR 1848) to its terminus;
- h. Beatty Road (SR 1842) from its intersection with Sherrills Ford Road (SR 1848) to its terminus; and
- i. NC Hwy. 16 South from the planning jurisdiction of the City of Newton to and including the intersection of NC Hwy. 16 South Bypass and existing NC Hwy. 16 South at Tower Road (SR 1895).
- j. Intersection of NC Hwy. 16 South Bypass and existing NC Hwy. 16 South at Tower Road (SR 1895) along the bypass to the Lincoln County line.

**Sec. 44-518. Sidewalks.**

*Purpose: An interconnected system of sidewalks or trails, provides a public benefit as an alternative transportation mode to automobiles, provides recreational opportunities within a development and connects developments.*

(a) Nonresidential requirements.

(1) Pervious or impervious sidewalks, or a fee in-lieu, subject to subsection (c) below, are required for new developments along external roads where the property is part of an approved multi-modal plan such as a NCDOT Bicycle/Pedestrian Plan and other plans including but not limited to the Carolina Thread Trail Plan and the Parks Master Plan. Sidewalks may also be required along one or both sides of all public external and internal streets within the project unless development patterns dictate otherwise.

(2) Sidewalks must run the entire length of the property along the right-of-way, and be a minimum width of 5 feet.

(3) Sidewalks/pedestrian facilities, or a fee in-lieu, are required for special district developments, subject to subsection (a)(1) above, and overlay districts as follows:

- a. MUC-O in Sec. 44-430.10;
- b. PD in Sec. 44-443.07;
- c. PD-IP in Sec. 44-444(j);
- d. 321-ED in 44-446.11(d); and
- e. Village in Sec. 44-445.03(e)(7).

(3) When subsection (1) above applies, sidewalks with a minimum width of 5 feet, are required along the front of commercial buildings adjacent to foundation plantings as required in Sec. 44-523(g).

(4) All sidewalks constructed within the public right-of-way require approval by NCDOT through an encroachment agreement.

(5) All sidewalks, whether constructed within or outside of the public right-of-way, must be maintained by the developer, unless or until maintenance responsibilities are transferred or assigned to a homeowners association or other responsible entity.

(b) Residential requirements.

(1) Pervious or impervious sidewalks or hard surfaced pedestrian walkways, with a minimum width of 5 feet, are required along one side of the street for all new residential developments when 25 or more lots are proposed within the R-20 or higher density districts.

a. The number of lots are cumulatively counted for the entire development as approved from the date of adoption of this Chapter (February 6, 2007).

b. Cul-de-sac roads less than 500 feet in length, without intersecting roads, are exempt from the sidewalk requirement.

(2) Sidewalks are also required along the frontage of new residential developments where the property is part of an approved multi-modal plan such as, but not limited to, the Carolina Thread Trail Plan, Parks Master Plan, or a NCDOT Bicycle/Pedestrian Plan.

(3) The improved secondary open space requirement in Sec. 44-543(d) may be used to meet the sidewalk requirement.

(4) All sidewalks constructed within the public right-of-way require approval by NCDOT through an encroachment agreement.

(5) All sidewalks, whether constructed within or outside of the public right-of-way, must be maintained by the developer, unless or until maintenance responsibilities are transferred or assigned to a homeowners association or other responsible entity.

(6) A fee in-lieu may be approved, subject to Subsection (c) below.

(c) Fee in-lieu. The County will determine whether sidewalks are required or a fee in-lieu will be accepted. The County will consider the thoroughfare/transportation/multi-modal plan(s), connectivity, surrounding land uses and other factors, such as surrounding development patterns, anticipated or current pedestrian usage, etc. in determining whether to accept a fee in-lieu or require sidewalk installation. The fee in-lieu will be equivalent to the cost of sidewalk installation and backfill, for materials and labor, as quoted by a licensed contractor. These funds may be used for



installation of sidewalks or bike paths, based on the transportation plan(s) and trails designated in the County Master Parks and Recreation Plan or other adopted multi-modal plans. The fee in-lieu is a one-time payment that is collected at the time of final approval which runs with the land and is not subject to an additional assessment at a future time.

**Sec. 44-536. Parking standards.**

(5) Off-street parking spaces, including all areas for maneuvering, must be located solely on private property and not on public property or public rights-of-way. In addition, off-street parking is allowed:

- a. Within the front setback, if one or more of the following factors are present, including but not limited to: severe topography, location of septic tank/repair areas, wells, other utilities, corner lot, irregular shaped lot, or to achieve inner-connectivity; or
- b. If located in the rear of the building, parking may be located within the required setback; or
- c. If located on the side of the building, parking may be located within the required setback.

**Sec. 44-607. Accessory structure.**

An accessory structure cannot be permitted unless a principal structure exists on the same zoning lot or a building permit for a principal structure has been issued at the same time the accessory structure permit is issued.

(a) Residential single-use accessory structure.

(1) Accessory structures must not exceed the maximum permitted height for the zoning district in which the property is located.

(2) Accessory structures must not be erected in any required front setbacks with exception to corner and multi-frontage lots. Accessory structures may be allowed no closer than 20 feet from the side street right-of-way. A side street is determined based upon the following criteria:

- a. Road classification;
- b. Length of road segment;
- c. Orientation of dwelling unit on lot; and
- d. Existing development pattern; and
- e. A minor collector/thoroughfare of higher classified road cannot be considered a side street for purposes of this Section.

(3) Accessory structure must be separated from the principal structure by at least 5 feet of open space.

(4) Accessory structures may not be located any closer than 10 feet from any side lot line and 5 feet from any rear lot line with exception of accessory structures on Lakes Hickory, Lookout and Norman or the Catawba River main stem where the rear setback must be a minimum 30 feet, or more when required by the State's Catawba River Basin Riparian Buffer Rules (15A NCAC 2B.0243), as enforced by the NCDENR.

This 20<sup>th</sup> day of February, 2012.

D. Assistant Director of Utilities and Engineering Jack Chandler requested the Board hold a public hearing and consider the submittal of a beneficiary amendment for the 2009 Community Development Block Grant (CDBG) Royal Heights Circle Water Project grant application along with corresponding documents. Catawba County received a 2009 Community Development Block Grant in early 2010, in the amount of \$308,500, for the Royal Heights Circle Water Project area. This grant provided 2,100 linear feet of eight inch PVC water line and connections to 22 households in the Royal Heights Circle Development. This project is complete and there are excess grant funds available to be used to extend the water line along the Old Shelby Road area where a previous CDBG grant stopped at Bakers Mountain Road. The cost estimate for the proposed project is \$195,716.

The proposed area is the section along Old Shelby Road starting at the Bakers Mountain Road intersection extending south to the intersection at JV Parker Road, providing 2,550 linear feet of twelve inch municipal water line to nine houses with severe water needs, including taps and connections. The low-moderate income (LMI) benefit for the area is 52% and the combined LMI is 83% for both projects. In order to facilitate the approval of an amendment to a CDBG project, the North Carolina Division of Community Assistance typically requires the amended area to be in close proximity to the original CDBG project area. This proposed amendment will serve additional households in the Advent Crossroads community, an area from which the County has received numerous requests for municipal water, and which is in close proximity to the original Royal Heights Circle Water Project area. Additionally, this proposed amendment area has been evaluated using the County's Utility Decision Tool and ranked second highest of all current projects with a Benefit to Cost Ratio of 10.3.

Catawba County is required to hold a public hearing to discuss the proposed amendment to its \$308,500 CDBG Royal Heights Circle Water Project Grant. The purpose is to notify the public that, due to good construction bids and with the permission of the N.C. Division of Community Assistance, Catawba County is proposing to amend the Royal Heights Circle Water project as noted above.

Chair Barnes opened the public hearing, noting it had been duly advertised. No one came forward to speak during the public hearing. Chair Barnes closed the public hearing. Vice-Chair Lail made a motion to approve the submittal of a beneficiary amendment for the 2009 Community Development Block Grant (CDBG) Royal Heights Circle Water Project grant application. The motion carried unanimously.

8. Appointments:

Vice-Chair Lail recommended the reappointment of Veronica Keegan for a second term and Steve Von Drehle for a fifth term on the Catawba County Planning Board. These terms will expire December 31, 2015.

Chair Barnes recommended the appointment of David Isenhower to serve an unexpired term on the Alcohol Beverage Control Board. Mr. Isenhower's term will expire April 6, 2014.

These recommendations came in the form of a motion. The motion carried unanimously.

9. Departmental Reports:

A. Tax.

1. Tax Collector Ona Scruggs presented a request for the Board to approve a tax refund request in the amount of \$345.74. Records had been checked and the refund verified, therefore the Tax Collector was asking for approval of the request. Under North Carolina General Statute 105-381, a taxpayer who has paid his or her taxes may request a refund in writing for an amount paid through error. Commissioner Hunsucker made a motion to approve this refund request. The motion carried unanimously.

2. Tax Collector Ona Scruggs presented the Board with a report on delinquent 2011 real estate property taxes, in accordance with North Carolina General Statutes 105-369(a) and requested the Board adopt a resolution directing the Tax Collector to advertise the delinquent tax liens as prescribed in the statute. As of January 31, 2012, delinquent real property taxes in Catawba County totaled \$5,290,997, which represents 6.57% of the 2011 real property levy. Vice-Chair Lail made a motion to accept the report and to adopt the necessary resolution. The motion carried unanimously. The following resolution applies:

**RESOLUTION No.**

**BE IT RESOLVED**, the Board of Commissioners for Catawba County, in compliance with NCGS 105-369(a), orders the Tax Collector to advertise all unpaid tax liens, as prescribed in NCGS 105-369.

This the \_\_\_\_\_ day of February, 2012

**B. Social Services.**

Social Services Director John Eller and Public Health Services Manager Jennifer McCracken presented the annual report of the work of the Community Child Protection and Fatality Prevention Team. The Catawba County Child Protection Team was established in February 1992 as the result of an executive order by Governor James Martin. North Carolina later mandated a Child Fatality Review Team and Catawba County elected to combine the two, with a first joint meeting in August 1995. The combined teams have met quarterly since then, except for specially called meetings. The Child Protection Team has the legal responsibility to review cases of child fatalities when the family is known to Social Services and identify areas in Protective Services needing improvement in order to maximize the safety of the community's children. The Child Fatality Prevention Team's purpose is to provide a multi-agency, multi-disciplinary approach to study cases of childhood death in Catawba County in order to attempt to reduce child fatalities. The Social Services and Public Health directors have specific responsibilities for each team and the Board of Commissioners decides if there will be a team for each area or if they will be combined. Although they are combined in Catawba County, this report addresses the work of the Community Child Protection Team. Efforts continue to be made to review additional individual Child Protective Services issues and satisfy the State's agreement with the Federal Government to use Child Protection Teams as a review mechanism in the Child Protective Services arena.

In 2011, Social Services received 2985 reports involving 5915 children. 2046 reports met State criteria for acceptance. Neglect was the most reported concern. 28 child deaths were reported in Catawba County in 2011. 46% of those deaths stemmed from prenatal issues or perinatal conditions; 29% were due to illness, two were due to motor vehicle accidents; two were due to Sudden Infant Death Syndrome; two were due to physical injury or homicide and one was due to drowning. 61% of these deaths were in children under the age of 1; 11% were ages 1-4, 7% were ages 5-9, 10.5% were ages 10-14 and 10.5% were ages 15-17.

The Team is in the process of assessing fatality trends by reviewing five years worth of data in order to see patterns. The Team believes this will allow it to better track how children die rather than relying on cause of death only (SIDS, unknown, etc...) so it can do more planning in the future around specific strategies. Substance abuse and domestic violence seem to be a recurring issue in many instances. As a result, there are higher demands in the criminal justice system and in emergency rooms as people seek care there as opposed to other places. The Team will support substance abuse prevention by supporting and assisting with bringing a program called Project Lazarus to the community. The Family Guidance Center is the designated service provider for domestic violence in the county and is also an approved facility to provide treatment for offenders. The team will engage and partner with the Family Guidance Center to help support victims of domestic violence. Also, the Team hopes to focus more on issues of trauma and how to help families deal with it.

The Team is also being proactive in trying to prevent the number of teenage deaths as a result of motor vehicle crashes in which distracted driving is an issue. In response, the team formed a committee made up of school personnel, law enforcement, medical personnel and community members to develop an action plan to increase awareness of the dangers of distracted driving. This year, the team will continue prevention efforts in the community including the sponsorship of the second annual Distracted Driving Video Contest.

In 2012, the Community Child Protection and Fatality Prevention Team will continue to advocate for the early entry of mothers into prenatal care; continue prevention messages about co-sleeping and safe sleeping environments; enhance community awareness about the dangers of distracted driving among teens as noted above; continue prevention of abuse and neglect through the Stewards of Children and Darkness to Light Training programs, and partner with initiatives that address substance abuse issues such as Project Lazarus.

Board members questioned the numbers which appeared to be holding steady. Commissioner Isenhower stated juvenile judges were seeing more sexual assaults which appeared to be occurring from more living together situations. Mr. Eller stated more of these cases were being prosecuted than before so the judges were seeing more instances. Chair Barnes questioned if there needed to be more training such as the darkness to light program. Mr. Eller replied that child protection was a shared responsibility and approached as such. Chair Barnes thanked Mr. Eller, Ms. McCracken and the Team for their hard work. Commissioner Hunsucker made a motion to accept this report. The motion carried unanimously.

10. Other Items of Business: None.
11. Attorney's Report: None.
12. Manager's Report. None.
13. Adjournment. The meeting adjourned at 8:00 p.m.

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Katherine W. Barnes, Chair  
Catawba County Board of Commissioners

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Barbara E. Morris  
County Clerk